IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 8663 of 1991

For Approval and Signature:

Hon'ble MR.JUSTICE K.A.PUJ

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : YES

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

KIRTIDABEN J BHATT

Versus

STATE OF GUJARAT

Appearance:

1. Special Civil Application No. 8663 of 1991
MR MUKESH A PATEL for Petitioner No. 1
Ms. Manisha Lavkumar AGP for Respondents.

CORAM : MR.JUSTICE K.A.PUJ

Date of decision: 25/04/2003

ORAL JUDGEMENT

This petition is filed seeking several reliefs against the respondent authorities as contained in Para 16 of the petition. Though the petition was admitted by this Court on 5-2-1992, interim relief was specifically refused. Against the order refusing the interim relief, the petitioner had filed Letters Patent Appeal No. 41 of 1992 before this Court and the said LPA came to be

dismissed.

2. Heard Ms. Manisha Lavkumar, learned AGP appearing for the respondents. Looking to the nature of relief which is sought for in the petition, it appears to the Court that the same is in the nature of determination of date of joining of the petitioner in the Department of Health and Family Welfare, giving effect of increment from 20-6-66 and to give all those benefits based thereon, payment of differential amount, EB cross increment as per order passed in August 1987, payment towards LTC, Gratuity, commuted pension etc. The petitioner has voluntarily retired on 28th February 1991 and more than 12 years have passed. By aflux of time the petitioner may not be interested in pursuing the matter and that is the reason why no one remained present when the matter is called out. Looking to the nature of the case the relief claimed in the petition is highly of debatable nature and disputed questions of facts are involved and it requires proper appreciation of facts and detailed investigation in the matter. This Court is, therefore, of the view that no relief can be granted in this matter. However, it is open for the petitioner to seek redressal of her grievance by making proper representation in the matter, and if such a representation is made by the petitioner, the same shall be considered by the respondent authorities in accordance with law.

3. With the aforesaid directions, the petition is disposed of. Rule is discharged with no order as to costs.

rmr. [K.A. Puj, J.]